IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 2502 of 2006

DATED: 8.10.2007

Between:

Erla Durgaiah petitioner

And

The Managing Director
Singareni Collieries Co Ltd
Lakdikapool, Hyderabad and another Respondents

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 2502 of 2006

Order:

The present writ petition is filed questioning the award of the labour Court in I.D No.79 of 2004 dated 10.3.2005 on the file of the Industrial Tribunal cum Labour Court, Godavarikhani.

The petitioner, who is working as Conductor with the respondent- Corporation, was issued with a charge memo dated 11.1.2001 alleging certain cash and ticket irregularities. Thereafter, first respondent issued office order dated 10.4.2001 withholding the annual increment of the petitioner for two years with cumulative effect and the same was modified by the Appellate Authority/second respondent vide order dated 25.2.2001 to that of punishment of deferment of increment for a period of one year with cumulative effect. The review petition filed by the petitioner was dismissed by order dated 15.11.2002. Aggrieved by the same, the petitioner raised an industrial dispute on the ground that without issuing a show cause notice, the major punishment of deferment of annual increment with cumulative effect is imposed. The same was registered as I D No.79 of 2004 and the Labour Court on consideration of the matter, passed an award dated 10.3.2005 declining to interfere with the punishment imposed by the Appellate Authority. Hence, the present writ petition.

Heard the learned counsel for petitioner and learned standing counsel for respondent corporation.

Having regard to the fact that the though reasonable opportunity was afforded, the petitioner failed to avail the same and did not submit his explanation to the show cause notice, the labour Court declined to interfere with the matter and confirmed the punishment as modified by

the Appellate Authority. It is to be noted that the Appellate Authority on consideration of the matter, modified the punishment from deferment of two annual increments to that of one annual increment, which was confirmed by both the Review Authority as well the Labour Court and no exception can be taken thereto, more so having regard to the judgment of the apex Court in ***Regional Manager, Rajasthan SRTC v. Sohan Lal***[1], wherein it was held that it is not within the normal jurisdiction of the superior courts to interfere with the quantum of sentence imposed by the disciplinary authority, unless it is shown that the sentence imposed is wholly disproportionate to the misconduct proved. The petitioner has not made out any ground to show that the punishment imposed by the appellate authority is disproportionate to the proved misconduct.

There is no merit in the writ petition and the same is accordingly dismissed. No costs.

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N.V. RAMANA, J.

Date: 08.10.2007
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[1] (2004) 8 SCC 218